

NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE  
 State Bar # CA 117234  
 WILLIAM B. COSSITT, #3484  
 OFFICE OF THE UNITED STATES TRUSTEE  
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Attorneys for Acting United States Trustee  
 August B. Landis

UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA

In re:	)	Case No: BK-N-12-52008-BTB
	)	Chapter: 11
SHAMROCK ASSET HOLDINGS, LLC,	)	
	)	<b>MOTION TO DISMISS CASE</b>
	)	
	)	
	)	Hearing Date: Nov. 7, 2012
	)	Hearing Time: 10:00 a.m.
Debtor.	)	Est. Time: 5 min.

The Acting United States Trustee, moves this Court for an order dismissing this case based upon the following points and authorities, together with any argument to be presented at the hearing hereon.

Debtor has not appeared through counsel. Presently no motion to employ counsel for the Debtor is pending. Corporations may not appear in Federal Court, except through counsel.<sup>1</sup> L.R. 9010. See In re Bellerive Springs Bldg. Corp., 127 B.R. 219 (Bankr. E.D. Mo. 1991); In re Video Systems Design & Sales, Inc., 129 B.R. 196 (Bankr. W.D. Mo. 1991) (debtor as an artificial person cannot represent itself pro se); and In re New Concept Housing, Inc., 951 F. 2d

<sup>1</sup>Federal Rule of Bankruptcy Procedure 9010 (a) provides that a party may appear in a case under the Code and act in the entity's own behalf. But see Advisory Committee Note (1983) to FRBP 9010 (rule does not purport to change prior prohibitions against pro se filings).

1 932, 939-40 (8th Cir. 1991) (affirmed District Court holding dismissing debtor's motion for  
2 rehearing because it was filed pro se in violation of well-established rule that a corporation must  
3 be represented by counsel in bankruptcy proceedings).

4  
5 WHEREFORE, the US Trustee respectfully requests the Court enter an order dismissing  
6 this case based upon the Debtor's inability to proceed under chapter 11 without licensed counsel,  
7 and grant such other and further relief as is deemed appropriate.

8 DATED this 29th day of August, 2012.

9  
10 Respectfully submitted,

11 Nicholas Strozza  
12 State Bar # CA 117234  
13 Assistant United States Trustee  
14 300 Booth Street, #3009  
Reno NV 89509  
(775) 784-5335

15 **/s/ WILLIAM B. COSSITT**

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Attorney for Acting United States Trustee  
17 August B. Landis  
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**CERTIFICATE OF SERVICE**

1. On August 29, 2012, I served the foregoing MOTION TO DISMISS CASE.
2. I served the above-named document (by the following means to the persons as listed below:

- ☐ a. ECF System:
- ☒ b. U.S. Mail, postage fully prepaid (list persons and addresses):

SHAMROCK ASSET HOLDINGS, LLC  
6 EAST 5<sup>TH</sup> STREET, STE. LL3  
TULSA, OK 74103

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 29<sup>th</sup> day of August, 2012

/s/ Kimberly Flores  
KIMBERLY FLORES